

Chapter 30 SOLID WASTE MANAGEMENT*

***Cross reference(s)**--Public works department, § 2-61 et seq.; buildings and building regulations, ch. 8; minimum standards for garbage and refuse in housing, § 8-100; burning of debris, § 14-1; accumulation of waste material prohibited, § 14-3; discharge of weapons at landfill prohibited, § 24-28.

State law reference(s)--Solid waste management, 38 M.R.S.A. § 1301 et seq.

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ARTICLE I. IN GENERAL

Secs. 30-1--30-25. Reserved.

ARTICLE II. FLOW CONTROL

DIVISION 1. GENERALLY

Sec. 30-26. Statutory authority.

This article is enacted pursuant to the authority granted in 30 M.R.S.A. § 1917 and 38 M.R.S.A. § 1304-B.

(Code 1981, § 3.6.0B)

Sec. 30-27. Findings and purpose.

(a) The municipality has a statutory obligation to provide a solid waste disposal facility for domestic and commercial waste generated within the municipality and is authorized to provide such a facility for industrial waste and sewage treatment plant sludge, pursuant to 38

M.R.S.A. § 1305. Municipal solid waste contains valuable recoverable resources, including energy, which if recovered reduce the cost of solid waste disposal. Because energy recovery technology is complex, most energy recovery facilities have high capital costs and long payback periods. To remain cost effective and operate efficiently during their useful lives, energy recovery facilities require a guaranteed steady supply of waste during their entire useful life. Consequently, a municipality that wants to utilize an energy recovery facility for processing municipal solid wastes generally must agree to provide the facility with a steady supply of solid waste for a relatively long period of time.

(b) The municipality must exercise its legal authority to control the collection, transportation, delivery and disposal of solid waste generated within its borders to ensure delivery of a steady supply of waste to the energy recovery facility designated in this article.

(Code 1981, § 3.6.0C)

Sec. 30-28. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable wastes. The following materials, by way of example and not limitation, are acceptable for curbside collections: Garbage; cold ashes; rubbish, metal, plastic and glass containers; boxes; rags, clothing and other textiles; broken kitchenware; small wooden furniture; mattresses; wooden doors; wooden crates and similar waste material ordinarily accumulated in and around the house (excluding body waste and bulky wastes); bagged or containerized grass clippings, weeds, garden plants, shrubs, leaves, branches, limbs and brush not exceeding 40 pounds per container; bundled cuttings from woody vegetation, such as branches and brush, if tied in bundles with no dimension greater than five feet; and cardboard boxes or crates provided that if there are six or more boxes or crates, they shall be broken down and stacked.

Collection facility means a building or container or designated area in which acceptable waste is deposited and temporarily stored for transshipment to the energy recovery facility.

Disposal facility means the facilities designated by the municipality as the storage and/or disposal sites for unacceptable wastes.

Energy recovery facility means the facility designated in this article which processes and recovers energy and/or useful materials from acceptable waste generated in the municipality.

Municipality means the town.

Unacceptable waste. The municipality will provide a disposal facility for the following unacceptable wastes:

- (1) Demolition or construction debris from all construction projects, including but not limited to such materials as plaster, mortar, bricks, building blocks, roofing materials, trees or tree stumps over six inches in diameter;
- (2) Liquid wastes or sludges;
- (3) Dangerous, hazardous or environmentally unsafe wastes, or wastes with inherent properties that make them dangerous to manage by ordinary means, including but not limited to chemicals, explosive wastes, pathological wastes, radioactive wastes, toxic wastes and other wastes defined as hazardous by the state or the resource conservation and recovery act of 1976, as amended, or other federal, state or local laws, regulations, orders or other actions promulgated or taken with respect thereto;
- (4) Dead animals or portions thereof or other pathological wastes;
- (5) Water treatment residues;
- (6) Tannery sludge;
- (7) Waste oil; and
- (8) Discarded white goods, including, but not limited to, freezers, stoves, refrigerators and washing machines.

(Code 1981, § 3.6.1)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 30-29. Energy recovery and disposal facility designated.

(a) In accordance with the provisions of 38 M.R.S.A. § 1304-B, the municipality hereby designates the Penobscot Energy Recovery Company facility located in Orrington, Maine, as the energy recovery facility and disposal facility for acceptable waste.

(b) The town reserves the right to designate an alternate disposal facility for a specified time period for acceptable waste should circumstances require it, upon a majority vote of the municipal officers.

(Code 1981, § 3.2.2)

Sec. 30-30. Regulated activity.

The accumulation, collection, transportation, delivery and disposal of acceptable waste and unacceptable waste generated within the municipality shall be regulated in the following manner:

- (1) All acceptable wastes generated within the municipality shall be deposited at the energy recovery facility.
- (2) All unacceptable waste generated within the municipality shall be deposited only at a suitable disposal facility which is designed for the express purpose of handling such unacceptable waste.

(Code 1981, § 3.6.3)

Sec. 30-31. Exempted waste.

The following categories of waste shall be exempted from regulation by this article:

- (1) Materials from manufacturing, processing or packaging operations which are segregated from solid waste and salvaged for alternate use or reuse by the generator or sold to third parties.
- (2) Glass, metal or other noncombustible materials which are separated from acceptable wastes by the generator as part of a recycling program approved by municipal officers.
- (3) Cardboard, paper, or other combustible materials which are separated from acceptable waste by the generator as part of a recycling program approved by the municipal officers, provided that any such recycling program shall not reduce the Btu content of acceptable waste below the Btu level acceptable to the energy recovery facility.

(Code 1981, § 3.6.4)

Sec. 30-32. Administration of article.

(a) This article shall be administered by the town manager or his duly authorized representative. The powers and duties of the town manager, or his duly authorized representative, are as follows:

- (1) To enforce the provisions of this article.
 - (2) To cause the initiation of any necessary or appropriate proceedings, either legal or equitable, to enforce this article.
- (b) The responsibilities of the town council under this article are as follows:
- (1) To adopt such rules and regulations as may be reasonably necessary or appropriate to enforce this article.

- (2) To consider all license applications and to grant or deny each application within 30 days after receipt of a completed application at the municipal offices or within such other time as may be mutually agreeable to the municipal officers and the applicant.

(Code 1981, § 3.6.5)

Sec. 30-33. Enforcement.

(a) All provisions of this article shall be enforced by the town manager or his duly authorized representative.

(b) Whenever the duly authorized enforcement agent determines that there has been a violation of this article, he shall give written notice of such violation to the person responsible by personal service or by certified mail, return receipt requested.

- (1) The notice shall include a statement of the alleged violations and shall allow reasonable time for the performance of any act it requires.
- (2) The notice may contain an order for remedial action which, if taken, will effect compliance.
- (3) The notice shall state that unless corrections are made within the allotted time, the violator is subject to legal enforcement action and/or license revocation or suspension pursuant to the provisions of this article.

(Code 1981, § 3.6.9)

Sec. 30-34. Variances.

A variance may be granted from a specific provision of this article in the same manner as any other variance of the municipality, subject to the contractual obligations outlined in the contract between the municipality and the energy recovery facility.

(Code 1981, § 3.6.11)

Sec. 30-35. Amendment.

This article may be amended in the same manner as any other ordinance of the municipality, subject to the contractual obligations outlined in the contract between the municipality and the energy recovery facility.

(Code 1981, § 3.6.13)

Sec. 30-36. Effective date.

This article shall become effective January 1, 1988, except that if the energy recovery facility designated in this article is not open for the acceptance of wastes by such date, the town council may designate an alternate site for the disposal of wastes hereunder. In such event, section 30-30 shall become effective on the date that the energy recovery facility begins commercial operations, provided the municipality provides notice of commencement in the manner required for publication of ordinances. Any person or other entity required to obtain a license under this article shall have 30 days from the date of adoption of the ordinance from which this article derives to secure such license, which shall become effective on the date specified therein.

(Code 1981, § 3.6.14)

Sec. 30-37. Penalty for violation of article.

Any person or other entity who violates this article shall be subject to a civil penalty in accordance with section 1-6.

(Code 1981, § 3.6.10)

Secs. 30-38--30-50. Reserved.

DIVISION 2. LICENSE

Sec. 30-51. Required.

(a) No person or other entity shall accumulate, collect, store, transport or dispose of acceptable waste or unacceptable waste generated within the municipality without obtaining a license from the town council, except that a person or other entity that accumulates, collects, stores, transports or disposes of less than one-quarter ton per month of its own waste shall not be required by this section to obtain such a license.

(b) Any person or other entity required by this article to obtain a license shall make application to the town council, providing the information required. Each application shall be accompanied by the currently required nonrefundable annual application fee.

(Code 1981, § 3.6.6A, B; Ord. No. 90-140, § 3.6.6B, 11-13-90)

Sec. 30-52. Application.

(a) The application for a license under this article shall contain all information required by the town council for an adequate review thereof, including but not limited to a description of the activity engaged in, e.g., collection, transport, storage or disposal of acceptable and/or unacceptable waste, types and amount of waste handled in each service area, a description of the facility operated and used, and an inventory of equipment, including a description of the make,

model and year of each vehicle used for collection or transportation of solid waste. All information provided shall be revised annually upon application for license renewal.

(b) If the town council determines that the application for a license under this article is incomplete, it shall notify the applicant in writing of the specific information necessary to complete it.

(c) The town council shall be informed immediately in writing of any changes in or additions to the licensee's equipment, including vehicles.

(Code 1981, § 3.6.6C)

Sec. 30-53. Nontransferable; replacement vehicles.

Licenses shall not be transferable. In the event of an emergency or vehicle breakdown, a licensee may be issued a special license by the town manager for a satisfactory replacement vehicle, upon furnishing all information required for a licensed vehicle.

(Code 1981, § 3.6.6D)

Sec. 30-54. Expiration; renewal.

All licenses shall expire one year from the date of issue unless otherwise stated on the license, or unless revoked or suspended sooner in accordance with the provisions of this article. Renewal licenses will be issued by the town manager or his designee.

(Code 1981, § 3.6.6E; Ord. No. 90-140, § 3.6.6E, 11-13-90)

Sec. 30-55. License fee.

The annual license fee for each vehicle licensed under this article shall be set from time to time by the council and a schedule of such fees is on file in the town offices.

(Code 1981, § 3.6.6F; Ord. No. 90-140, § 3.6.6F, 11-13-90)

Sec. 30-56. Review of application.

In the consideration of a license application under this article, the town council shall review the following:

- (1) The age, state of repair, and the sufficiency of any equipment for its intended purpose.
- (2) The burden shall be on the applicant to demonstrate that its proposal satisfies the above criteria.

- (3) In the granting of a license, the town council shall have the authority to impose such conditions thereon as it deems reasonably necessary or appropriate to ensure compliance with the intent of this article.
- (4) If the town council denies a license application, it shall notify the applicant in writing and shall state the reasons for the denial. The applicant may request a public hearing in accordance with the procedures in section 30-58.

(Code 1981, § 3.6.6G)

Sec. 30-57. Suspension or revocation.

Any license issued under the terms of this article may be suspended or revoked by order of the town council, for the following causes:

- (1) Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this article.
- (2) Violation of any license conditions.
- (3) Falsehoods, misrepresentations or omissions in the license application.

(Code 1981, § 3.6.7)

Sec. 30-58. Hearings.

(a) Anyone denied a license, or whose license under this article is suspended or revoked pursuant to section 30-57, shall be entitled to a hearing before the town council, if such request is made in writing to the town manager within 30 days of the denial, suspension or revocation. Such written request shall contain a statement of the reasons why the applicant or licensee believes the town council action was improper.

(b) Hearings under this article shall be held within 30 days after receipt of the written request for a hearing.

(c) The licensee or applicant shall be notified, in writing, as to the time and place of the hearing at least ten days prior to the hearing date. The applicant or licensee has the right to be represented by counsel at their own expense, to offer evidence and to cross examine witnesses.

(d) A determination shall be made by the town council within ten days after conclusion of the hearings, and notice of the decision shall be served upon the applicant or licensee by certified mail, return receipt requested.

(e) The town council's final determination relative to the denial, suspension or revocation of a license, and the period of suspension or revocations, shall take effect ten days after the applicant receives notification by certified mail, return receipt requested. Notice of the final

determination shall set forth the reasons for the denial, suspension or revocation and the effective dates thereof together with a statement that such decision may be appealed as provided in this article.

(f) Any controversy or claim arising out of or relating to the town council's determination relative to the denial, suspension or revocation of a license under this article shall be directly reviewable by the superior court pursuant to Maine Rules of Civil Procedure, rule 80B.

(Code 1981, § 3.6.8)

Secs. 30-59--30-80. Reserved.

ARTICLE III. RUBBISH DISPOSAL

Sec. 30-81. Authority.

Pursuant to the authority vested in the town council, in its capacity as the legislative body of the town, the town council hereby adopts the following regulations controlling waste disposal in the town, as set out in this article.

(Code 1981, § 3.7)

Sec. 30-82. Curbside pickup requirements.

(a) *Acceptable materials.* It is the town's intent to provide collection of normal domestic rubbish from households only. The following materials, by way of example and not limitation, are acceptable for curbside collections: Garbage; cold ashes; rubbish, metal, plastic and glass containers; boxes; rags, clothing and other textiles; broken kitchenware; small wooden furniture; wooden doors; wooden crates and similar waste material ordinarily accumulated in and around the house (excluding body waste and bulky wastes); and cardboard boxes or crates provided that if there are six or more boxes or crates, they shall be broken down and stacked.

(b) *Placement at curbside:* Rubbish will not be collected unless the following conditions are met:

- (1) Rubbish should be placed in rodentproof, leakproof and essentially airtight metal or plastic cans or in tied plastic refuse bags.
- (2) Containers or bags shall be placed as accessible to the roadside as possible so as not to interfere with vehicles, pedestrian traffic, or snow removal activities.
- (3) Newspapers and magazines must be tied in a bundle or placed in a separate container.
- (4) Containers, bags or bundles should not exceed 40 (more or less) pounds.

- (5) Rubbish shall be placed curbside on the designated day of collection.
- (6) Rubbish which has been placed in containers or bags for collection which have been pilfered by animals and which constitutes litter will not be picked up.

(c) *Unacceptable materials.* The following rubbish, by way of example and not limitation, shall be considered unacceptable for curbside collection:

- (1) Materials which have not been prepared, bound, containerized or properly placed for collection.
- (2) White goods such as stoves, refrigerators, washers, and other large appliances.
- (3) Material from the major repair of, excavation for, construction or destruction of buildings or structures, such as piping, earth, plaster, mortar, bricks, building blocks, septic tanks, trees or tree stumps over six inches in diameter, and any other similar materials, commonly called demolition debris.
- (4) Dangerous, hazardous or environmentally unsafe materials or substances, such as cleaning fluids, crankcase oils, paints, asbestos materials, liquid plastics, explosives, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used to filter cleaning fluids, infected materials and rubbish of similar nature.
- (5) Body wastes, junkyard waste or industrial wastes.
- (6) Hot ashes.
- (7) Large or heavy objects exceeding 40 pounds, including by way of example, but not limited to, major automobile parts, cars and trucks, tree limbs and stumps and furniture and bed springs.
- (8) Grass clippings, weeds, garden plants, shrubs, leaves, branches, limbs and brush.
- (9) Mattresses.

(d) *Service area.* Materials acceptable for collection will be picked up from all dwelling units in proximity to town roads and public easements.

(e) *Certain establishments ineligible for collection.* The following types of establishments shall not be provided with refuse collection service under this article:

- (1) Business, industrial or commercial establishments.
- (2) The school complexes, including the University of Maine.

- (3) Apartment, condominium or planned unit development buildings and/or complexes which contain more than four dwelling units.
- (4) Fraternity/sorority houses, lodginghouses (including a boardinghouse or roominghouse), mobile home parks and nursing homes.

The town shall pay tipping fees if any of the above-named establishments have negotiated with a contractor licensed in the town for suitable containers, trash collection, and transportation to the disposal site designated by the town manager. Provided, however, that any such contractor shall reimburse the town for said tipping fees, which reimbursement shall be paid to the town within 30 days after the issuance of an invoice by the town. In the event that a contractor fails to reimburse the town as provided above, the town manager, after notice to the contractor, may revoke the contractor's authority to deliver refuse to the disposal site.

(f) *Pickup service.* Acceptable rubbish will be collected in accordance with a schedule approved by the town manager. Pickup will start at the time designated in the appropriate collection contract. Collection will not be made on municipal holidays. Pickup will be on the next scheduled workday following the abovementioned holidays.

(g) *Responsibilities of residents/occupants/owners.*

- (1) It shall be the responsibility of the residents, occupants and/or owners of an establishment eligible for curbside collection to place their acceptable materials at curbside in accordance with the provisions of this article.
- (2) All trash receptacles shall be removed from curbside as soon after collection as practicable, but no later than 8:00 p.m. on the day of collection.

(h) *Complaints.* Any and all complaints shall be directed to the contractor providing the collection services. Complaints shall be made to such contractor Monday through Friday during regular business hours. If the complaint is not resolved in a satisfactory manner or within a reasonable length of time, the town manager should be notified.

(Code 1981, § 3.7; Ord. of 11-14-94; Ord. No. 95-87, 6-19-95)

Sec. 30-83. Town disposal site.

(a) *Acceptable materials.* Only the following materials generated within the town may be taken to the town disposal site:

- (1) Leaves, brush, stumps and other yard waste.
- (2) Lumber.

- (3) Demolition debris, including earth, plaster, mortar, bricks, building blocks, roofing material, sheetrock, plastics, and any similar materials.
- (4) White goods, including discarded stoves, washers, dryers and refrigerators.
- (5) Auto body parts and other heavy metal material.
- (6) Tires, if unacceptable at the energy recovery facility.
- (7) Mattresses.

(b) *Hours of operation.* The disposal site will be open from 8:00 a.m. to 4:00 p.m. on days designated by the town manager. Should any such day fall on one of the holidays listed in section 30-82(f), the disposal site will be open the following weekday from 8:00 a.m. to 4:00 p.m. Special arrangements may be made with the town office for access to the disposal site at hours other than those listed above under certain conditions which would impose a severe hardship if such accommodations were not made.

(Code 1981, § 3.7.1; Ord. of 11-14-94)

Sec. 30-84. Penalty for violation of article.

Any person or other entity who violates this article shall be subject to a civil penalty in accordance with section 1-6.

Secs. 30-85--30-105. Reserved.

ARTICLE IV. DISPOSAL AREA*

*State law reference(s)--Authority to have a public dump, 30-A M.R.S.A. § 3351.

Sec. 30-106. Purpose.

It is the intent of the town to provide a disposal area for wastes generated within the municipal boundaries that are not acceptable for curbside collection or are not acceptable for delivery at a duly designated energy recovery facility utilized by the town.

(Code 1981, § 3.8.0A)

Sec. 30-107. Hours.

The disposal site will be open on such days as may be established and designated by the town manager. If the scheduled day falls on a holiday, the disposal site will be open on the next regular weekday during the same hours. Special arrangements may be made with the town manager for access to the disposal site at hours other than those established under certain conditions which at the discretion of the town manager would impose a severe hardship if such arrangements were not made.

(Code 1981, § 3.8.0B)

Sec. 30-108. Acceptable wastes.

Only the following wastes generated within the municipal boundaries will be accepted at the disposal site:

- (1) Brush, stumps and boards which may be burned.
- (2) Demolition debris, including earth, plaster, mortar, bricks, building blocks, roofing material, sheetrock, plastics and any similar materials.
- (3) White goods, including discarded washers, dryers, refrigerators and stoves.
- (4) Auto body parts and other heavy metal material.
- (5) Tires, if unacceptable at the energy recovery facility.

(Code 1981, § 3.8.0C)

Sec. 30-109. Unacceptable wastes.

The following materials will not be accepted at the disposal site:

- (1) Septage and sludges.
- (2) Industrial wastes.
- (3) Hazardous wastes, as that term may now or in the future be defined by federal or state law, whichever definition is more encompassing.
- (4) Five-gallon or larger drums or containers, unless one end is open and the drums or containers are cleaned.
- (5) Any wastes found to be generated outside of the municipal boundaries.
- (6) Motor vehicles.
- (7) Tires, if acceptable at the energy recovery facility.

(Code 1981, § 3.8.0D)

Sec. 30-110. Permits.

(a) It is the intent of the town to control and limit the deposit of wastes at the disposal site to only acceptable wastes that are generated within the municipal boundaries of the town. To that end, all persons who use the site shall display a valid permit on their vehicle. For residential users, two permits may be issued to each household and the permits shall not be loaned, sold or otherwise transferred to any other person not residing in such household. For residential and regular commercial users, a fee as established from time to time by the town council for each annual permit to use the site will be charged or a permit fee per load to use the site will be charged. For private contractor's use of the disposal site, a permit to use the site on regularly scheduled days will be issued upon payment of a fee as established from time to time by the town council per vehicle. On unscheduled days, a surcharge per load as established from time to time by the town council will be charged to private contractors. Contractors who wish to deposit stumps at the disposal site will be issued a permit to use the site on regularly scheduled days upon payment of a fee per vehicle, as established from time to time by the town council.

(b) Residents who are physically unable to perform hauling or who are unable to use their own vehicle to haul to the disposal site may purchase a special one-time permit for a fee as established from time to time by the town council. This permit will enable another individual to haul the resident's acceptable waste material to the site. This permit applies to special circumstances for residents only and is not intended for use by private contractors or commercial users. The permit will be issued by the town manager or his designee. Residents or their representative must appear at the town office, specify who will perform the hauling, and state the material being disposed of before such permit will be issued.

(Ord. of 10-21-91, § 3.8E)

Sec. 30-111. Salvaging of waste.

Salvaging of any wastes at the disposal site will not be allowed unless written authorization has been issued by the town manager.

(Code 1981, § 3.8F)

Secs. 30-112--30-119. Reserved.

ARTICLE V. RECYCLING

Sec. 30-120. Purpose.

The town council hereby finds that the disposal of articles that can be recycled is contrary to the public interest and that recycling will create public benefits by reducing demand

on solid waste disposal capacity and by conserving resources. It is hereby declared to be the policy of the town to promote and encourage the recycling of materials.

(Ord. No. 95-206, 12-11-95)

Sec. 30-121. Program.

Subject to approval by the town council, the town manager is hereby authorized to develop and implement a recycling program, which program may include the designation of recyclable materials to be accepted in the program, the establishment of administrative rules and regulations concerning the handling, storage and collection of recyclable materials, the designation of a drop-off recycling center and the marketing of recyclable materials. By way of example, not limitation, recyclable materials may include glass, tin and aluminum cans, newspapers, catalogs, magazines, telephone books, plastic milk and water bottles, cardboard and office paper.

(Ord. No. 95-206, 12-11-95)

Sec. 30-122. Ownership of recyclable materials.

All recyclable materials shall become the property of the town or its authorized agent when said materials are placed at the curbside for collection.

(Ord. No. 95-206, 12-11-95)

Sec. 30-123. Unauthorized taking of recyclable materials.

It shall be unlawful for any person, firm or corporation not authorized by the town to remove or take any item placed at the curbside for recyclable collection. Each removal or taking of any such item from each separate collection point shall constitute a separate and distinct violation.

(Ord. No. 95-206, 12-11-95)

Sec. 30-124. Civil penalties.

Any person, firm or corporation violating any of the provisions of section 30-123 shall be subject to a civil penalty of \$500.00 for each violation. Additional violations of section 30-123 within a one-year period shall be subject to a civil penalty as follows:

Number of Violations	Penalty
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2	\$ 750.00
3	1,000.00
4	1,250.00
5	1,500.00

All civil penalties shall inure to the town.

(Ord. No. 95-206, 12-11-95)